

1 DAVID STOEBLING, ESQ.
2 Nevada Bar # 1580
3 LAW OFFICE OF DAVID STOEBLING
3568 East Russell Road, Suite D
4 Las Vegas, Nevada 89120
(702) 734-1600
5 Attorney for The Stoebling Family Trust

6 UNITED STATES BANKRUPTCY COURT
7 DISTRICT OF

8 In re:) Case No. BK-S-06-10725-LBR
9 USA COMMERCIAL MORTGAGE COMPANY,)
10 Debtor.) Chapter 11
11)
12) OPPOSITION TO OMNIBUS
13) OBJECTION OF USACM TRUST TO
14) PROOFS OF CLAIM BASED UPON
15) INVESTMENT IN THE FIESTA OAK
16) VALLEY LOAN
17)
18) Date of Hearing: October 18, 2011
19) Time of Hearing: 1:30 P.M.
20) Estimated Time for hearing: 10 min.
21)
22)
23)
24)
25)

17 The Stoebling Family Trust (hereinafter referred to as "the
18 Trust") timely filed a Proof of Claim. An Objection to this
19 Proof of Claim was made by USACM Liquidating Trust (hereinafter
20 referred to as "USACM Trust").

21 "USACM Trust" contends that "the Trust" does not have a
22 completely valid claim based upon its investment in the Fiesta
23 Oak Valley loan, because "the Trust" mitigated its damages or
24 had the opportunity to mitigate its damages and did not take it.
25

1 No proof or legal authority was offered by "USACM Trust" to
2 support this Objection.

3 "USACM Trust" also suggests since the value of the
4 collateral decreased, the proof of claim should be decreased.
5 Again, they offer no proof or legal authority to support this
6 Objection.

7 Based on the foregoing, it is respectfully requested that
8 the Objection of the "USACM Trust" be overruled.

9
10 DATED this 3rd day of October, 2011.

11 LAW OFFICE OF DAVID STOEBLING

12
13 By David Stoebling
14 David Stoebling, Esq.
15 3568 E. Russell Rd., Suite D
16 Las Vegas, NV 89120
17 Attorney for the Stoebling
18 Family Trust

19 CERTIFICATE OF MAILING


20 I hereby certify that on the 3rd day of October, 2011,
21 I mailed a copy of the foregoing OPPOSITION TO OMNIBUS OBJECTION
22 OF USACM TRUST TO PROOFS OF CLAIM BASED UPON INVESTMENT IN THE
23 FIESTA OAK VALLEY LOAN in a sealed envelope, to the following
24 counsel of record and parties and that postage was fully prepaid
25 thereon. A copy was also sent to all ECF participants.

21 Debt Acquisition Company of America
22 1565 Hotel Circle South, Suite 310
23 San Diego, CA 92108

24 Mesa Verde RE Ventures LLC
25 2 Park Plaza, Suite 1250
Irvine, CA 92614

1 Kenneth Hennesay, Esq.
2 Allen Matkins Leck Gamble & Mallory LLP
3 1900 Main St. Fifth Floor
4 Irvine, CA 92614-7321
5 Attorneys for Mesa Verde RE Ventures LLC
6

7 John Hinderaker, Esq.
8 Lewis & Roca, LLP
9 3993 Howard Hughes Parkway, Suite 600
10 Las Vegas, NV 89169-5996
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25


EMPLOYEE OF DAVID STOEBLING, ESQ.